

REMARKS

Favorable reconsideration and withdrawal of the rejections set forth in the above-mentioned Office Action in view of the foregoing amendments and the following remarks are respectfully requested.

Claim Status

Claims 1, 2, 5-7, 9, 12 and 13 are now pending in the application. Claims 1, 2, 6 and 7 have been amended to even more succinctly define the invention and/or to improve their form. It is respectfully submitted that no new matter has been presented.

Initially, Applicant's undersigned representative wishes to thank the Examiner for the courtesies extended during the personal interview of December 7, 2009. During the interview, the differences between the claimed invention and the applied art were discussed. It was agreed to further amend the claims as set forth herein in order to further clarify those differences. Favorable consideration is requested.

Claim Rejections

Claims 1, 2 and 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Laid-open Patent Application No. 11-187212 (Yoshikawa), in view of U.S. Patent No. 6,975,435(Maitani et al.). Claims 5, 9, 12 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshikawa and Maitani et al., and further in view of U.S. Patent No. 5,528,788 (Yamamoto et al.).

The rationale underlying each of the rejections is succinctly set forth in the Office Action.

Response to Claim Rejections

As discussed during the interview, the recording apparatus of Yoshikawa describes and depicts retreat and reading positions of a line scanner unit 19 and a reference white board 20, both on opposite sides of a conveying plane L. In the retreat position, line scanner unit 19 is moved upwardly and reference white board 20 is moved downwardly. It was argued during the interview that reference white board 20 was not moved to a higher position. It was pointed out by the Examiner, however, that while the white board was not moved to a higher position, the claim only recited a single retreat position, and the reading unit and reference white board cannot be said to be at the same position because they do not occupy the same space. Accordingly, as agreed during the interview, Claims 1 and 6 have been amended to clarify that the reading unit is moved between reading unit reading and retreat positions and the white board is moved between white board reading and retreat positions. It cannot be said that Yoshikawa discloses or suggests that the reading unit retreat position and the reference white board retreat position are relatively higher than the reading unit document reading position and the reference white board reading position, as is recited in independent Claims 1 and 6. In particular, the position of the reference white board 20 during reading is higher than its position in retreat.

Thus, Yoshikawa fails to disclose or suggest important features of the present invention recited in the independent claims.

Maitani et al. and Yamamoto et al. have also been reviewed, but are not believed to remedy the deficiencies of Yoshikawa noted above with respect to the independent claims.

Thus, independent Claims 1 and 6 are patentable over the citations of record.

Reconsideration and withdrawal of the § 103 rejections are respectfully requested.

Dependent Claims

Claims 2, 5, 7, 9, 12 and 13 are either directly or indirectly dependent from independent Claims 1 and 6 and are allowable by virtue of their dependency and in their own right for further defining the invention. Individual consideration of the dependent claims is respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the pending claims are allowable over the art of record, and that the application is in condition for allowance.

Favorable reconsideration and early passage to issue of the application are earnestly solicited.

It is believed that no fee is required for this Amendment. However, the Commissioner is hereby authorized to charge any fee which may be deemed necessary in connection with this paper to Deposit Account No. 06-1205.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Mark A. Williamson/

Mark A. Williamson
Attorney for Applicants
Registration No. 33,628

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, NY 10104-3800
Facsimile: (212) 218-2200
WMW:cdk

FCHS_WS 4391333_1